

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**SHAMSHER GREWAL, aka
SHAMSHER K. GREWAL, aka
SHAMSHER KAUR GREWAL**

Registered Nurse License No. 376157

Respondent.

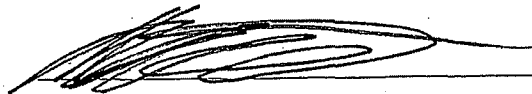
Case No. 2012-292
OAH No. L-2011121000

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 3, 2012.

IT IS SO ORDERED this July 3, 2012.



Erin Niemel
Temporary Chair
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 MICHELLE MCCARRON
Deputy Attorney General
4 State Bar No. 237031
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2544
6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10
11 In the Matter of the Accusation Against:

Case No. 2012-292

12 **SHAMSHER GREWAL**
aka SHAMSHER K. GREWAL
13 **aka SHAMSHER KAUR GREWAL**
10313 Seneca Falls Avenue
14 **Bakersfield, CA 93312**
Registered Nurse License No. 376157

OAH No. L-2011121000

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15
16 Respondent.

17 In the interest of a prompt and speedy resolution of this matter, consistent with the public
18 interest and the responsibility of the Board of Registered Nursing of the Department of Consumer
19 Affairs the parties hereby agree to the following Stipulated Surrender of License and Order which
20 will be submitted to the Board for approval and adoption as the final disposition of the
21 Accusation.

22 **PARTIES**

23 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
24 Board of Registered Nursing. She brought this action solely in her official capacity and is
25 ~~represented in this matter by Kamala D. Harris, Attorney General of the State of California, by~~
26 Michelle McCarron, Deputy Attorney General.

27 2. Shamsher Grewal (Respondent) is representing herself in this proceeding and has
28 chosen not to exercise her right to be represented by counsel.

1 3. On or about August 31, 1984, the Board of Registered Nursing issued Registered
2 Nurse License No. 376157 to Shamsher Grewal (Respondent). The Registered Nurse License
3 was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-
4 292 and will expire on May 31, 2012, unless renewed.

5 JURISDICTION

6 4. Accusation No. 2012-292 was filed before the Board of Registered Nursing (Board),
7 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
8 and all other statutorily required documents were properly served on Respondent on November 8,
9 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
10 Accusation No. 2012-292 is attached as Exhibit A and incorporated by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, and understands the charges and allegations in
13 Accusation No. 2012-292. Respondent also has carefully read, and understands the effects of this
14 Stipulated Surrender of License and Order.

15 6. Respondent is fully aware of her legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
17 her own expense; the right to confront and cross-examine the witnesses against her; the right to
18 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
19 compel the attendance of witnesses and the production of documents; the right to reconsideration
20 and court review of an adverse decision; and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 2012-292, agrees that cause exists for discipline and hereby surrenders her Registered Nurse
27 License No. 376157 for the Board's formal acceptance.
28

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board of Registered Nursing or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 376157, issued to Respondent Shamsher Grewal, is surrendered and accepted by the Board of Registered Nursing.

1. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Registered Nursing.

2. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2012-292 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If and when Respondent's license is reinstated, she shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$2,202.50. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2012-292 shall be

1 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
2 Issues or any other proceeding seeking to deny or restrict licensure.

3 7. Respondent shall not apply for licensure or petition for reinstatement for two (2)
4 years from the effective date of the Board of Registered Nursing's Decision and Order.

5
6 ACCEPTANCE

7 I have carefully read the Stipulated Surrender of License and Order. I understand the
8 stipulation and the effect it will have on my Registered Nurse License. I enter into this
9 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
10 be bound by the Decision and Order of the Board of Registered Nursing.

11
12 DATED: 4/15/2012

Shamsher Grewal
SHAMSHER GREWAL
Respondent

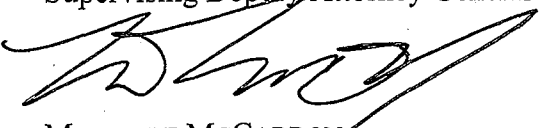
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15 ENDORSEMENT

16 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
17 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

18 Dated: 5/2/2012

Respectfully submitted,

19 KAMALA D. HARRIS
Attorney General of California
20 MARC D. GREENBAUM
Supervising Deputy Attorney General

21 
22 MICHELLE MCCARRON
23 Deputy Attorney General
24 *Attorneys for Complainant*

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26 LA2010601386
27 Stipulation.rtf
28

Exhibit A

Accusation No. 2012-292

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 MICHELLE MCCARRON
Deputy Attorney General
4 State Bar No. 237031
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
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12 SHAMSHER GREWAL
AKA SHAMSHER K. GREWAL
13 AKA SHAMSHER KAUR GREWAL
AKA SHAMSHER KAUR GREWAL
14 10313 Seneca Falls Avenue
Bakersfield, CA 93312
15 Registered Nurse License No. 376157

A C C U S A T I O N

16 Respondent.

17
18 Complainant alleges:

19 PARTIES

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about August 31, 1984, the Board of Registered Nursing issued Registered
24 Nurse License Number 376157 to Shamsher Grewal (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on May 31, 2012, unless renewed.

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"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

8. Section 490 of the Code provides in part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

COST RECOVERY

9. Section 125.3 of the Code provides in part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime)

10. Respondent is subject to disciplinary action under section 2761, subdivision (f), and section 490, in that Respondent sustained two convictions for crimes that are substantially related to the functions, duties and qualifications of a registered nurse. The circumstances are as follows:

a. On or about October 29, 2008, in a proceeding entitled *People v. Shamsiter Kaur Grewal*, (Superior Court for the County of Kern, Case No. BM738404A), Respondent was convicted on her plea of nolo contendere of one misdemeanor violation of Vehicle Code section 23152 (a) [driving under the influence]. Respondent was placed on three years probation; ordered to pay a fine of \$1,729.00, Respondent's drivers license was suspended; and she was sentenced to 30 days in custody with the time to be served on the electronic monitoring system. The circumstances of the conviction are that on or about August 9, 2008, Respondent was arrested for operating her vehicle while under the influence. Respondent's blood alcohol content was indicated to be 0.25%.

1 b. On or about October 28, 2005, in a proceeding entitled *People v. Shamsher Kaur*
2 *Grewal*, (Superior Court for the County of Kern, Case No. BM679454A), Respondent was
3 convicted on her plea of nolo contendere of one misdemeanor violation of Vehicle Code section
4 23152 (b) [Driving under the influence with a blood alcohol content greater than .08%].
5 Respondent was placed on three years probation; ordered to pay a fine of \$1,690.00; attend victim
6 impact panel; attend TAASK driving school; and attend a DUI program. The circumstances of
7 the conviction are that Respondent was arrested for driving under the influence of alcohol on or
8 about August 25, 2005.

9 SECOND CAUSE FOR DISCIPLINE

10 (Dangerous Use of Alcohol and/or Drugs)

11 11. Respondent is subject to disciplinary action under sections 2761 subdivision (a) and
12 2762 subdivision (b), on the grounds of unprofessional conduct, in that Respondent used alcohol
13 and or drugs in a manner that was dangerous to herself or others. The complainant's allegations
14 as set forth in paragraph 10, subparagraphs (a) and (b), inclusive, are incorporated by reference as
15 though fully set forth.

16 THIRD CAUSE FOR DISCIPLINE

17 (Violation of Nursing Practice Act)

18 12. Respondent is subject to disciplinary action under section 2761 (d), in that
19 Respondent violated the provisions of the Nursing Practice Act. The complainant's allegations as
20 set forth in paragraph 10, subparagraphs (a) and (b), inclusive, and paragraph 11, are incorporated
21 by reference as though fully set forth.

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1 PRAYER

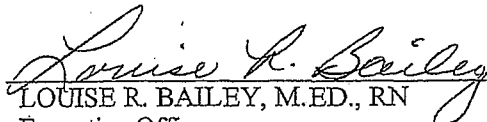
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 376157, issued to
5 Shamsher Grewal;

6 2. Ordering Shamsher Grewal to pay the Board of Registered Nursing the reasonable
7 costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and

8 3. Taking such other and further action as deemed necessary and proper.
9

10
11 DATED: November 08, 2011


12 LOUISE R. BAILEY, M.ED., RN
13 Executive Officer
14 Board of Registered Nursing
15 Department of Consumer Affairs
16 State of California
17 Complainant

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